

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAN MERRIFIELD, et al.,

No. 04-0498 MMC

Plaintiffs,

JUDGMENT AND INJUNCTION

v.

BILL LOCKYER, et al.,

Defendants

On August 1, 2005, this Court granted defendants' motion for summary judgment and denied plaintiffs' motion for summary judgment, and, on August 8, 2005, the Clerk entered judgment in favor of defendants.

On October 17, 2008, the Court of Appeals for the Ninth Circuit reversed the judgment, with directions to enter a judgment in favor of plaintiffs; the mandate issued January 22, 2009.¹

Accordingly, the Court hereby enters judgment in favor of plaintiffs and against defendants. Defendants are hereby permanently enjoined from enforcing against plaintiffs section 8555(g) of the California Business & Professions Code to the extent such section requires Branch 2 licensure for persons engaged in the live capture and removal or

¹The Clerk of the District Court received the mandate on May 19, 2009.

1 exclusion of mice, rats, or pigeons from a structure without the use of pesticides, provided
2 those persons maintain insurance coverage as described in section 8692.

3 **IT IS SO ORDERED.**

4
5 Dated: May 29, 2009


MAXINE M. CHESNEY
United States District Judge